

## Ideas and agency in immigration policy: a discursive institutionalist approach

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# **Ideas and Agency in Immigration Policy: A Discursive Institutional Approach**

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## **Abstract**

Political science literature tends to depict the role of ideas in policy in two distinct ways: ideas are seen as strategic tools mobilised by agents to achieve pre-given preferences; or as structures imposing constraints on what is considered legitimate or feasible. Discursive institutionalism seeks to combine these insights, suggesting that while actors are indeed constrained by deeply entrenched ideas, they nonetheless enjoy some autonomy in selecting and combining ideas. This article seeks to further develop this approach in two ways. First, we identify three discursive strategies through which policy actors can selectively mobilise ideas: they may foreground one level over others; exploit ambivalence in public philosophies; or link programme ideas over time by invoking ‘policy legacies’. Second, we elucidate the mechanisms through which such strategic selections can in turn modify existing public philosophies and programme ideas, thereby influencing policy change. We examine these claims by comparing discourse on immigration policy liberalisation in Germany and the UK between 2000-2008. We find evidence of all three discursive strategies. Moreover, we show how in the German case these discursive representations led to longer-term adjustments in underlying programme ideas and public philosophies on immigration.

## Introduction

The role of ideas in policy-making has received growing attention since the 1990s (Hall and Taylor 1996; Peters 1998). Ideas have been conceptualised as constraints on political actors, delimiting what policy options are seen as feasible or even thinkable; but also as tools strategically manipulated by actors to mobilise support for their policy objectives. More recently, theories of ‘discursive institutionalism’ (Schmidt 2008) have sought to reconcile these two approaches, suggesting that while public philosophies and programmatic ideas can constrain political action, they also provide resources that can be selectively deployed to advance political goals.

In this paper we build on discursive institutionalist approaches, making two distinctive contributions. First, we develop specific theoretical claims about how political actors can exercise agency through the strategic mobilisation of ideas. Following Vivien Schmidt (2008), we distinguish three levels of ideas: public philosophies, programme ideas, and policy proposals. While agents are constrained by programme ideas and especially public philosophies, they nonetheless enjoy some autonomy in their selection and combination of ideas from different levels. We identify three strategies of selection: foregrounding one level over others; exploiting the polyvalence of public philosophies; and linking programme ideas over time. Second, we show how these discursive strategies can in turn modify the background ideas that shape policy. In many cases, the selections presented through such strategies will be modified, sidelined or superseded by rival discursive strategies. But such discursive selections may also generate adjustments, becoming stabilised as part of the background repertoire of feasible and appropriate ideas. Thus we identify mechanisms through which political agency can affect the underlying ideas that shape and constrain political action.

We examine these claims through a comparative analysis of political discourse on immigration policy in Germany and the UK in 2000s. In both countries, centre-left governments with similar ‘third way’ or *neue Mitte* ideologies sought to open new routes for economic immigration. Yet debate in the two countries was framed and evolved in quite different ways, offering a rich site for tracing the discursive strategies identified above. Moreover, these discursive strategies had very different impacts on programmatic ideas and public philosophies. The two cases thus provide illustrations of how political actors

strategically mobilise ideas, and of how these strategic selections may succeed – or fail – in producing more profound changes to the background ideas that shape policy.

### **Ideas matter, but how?**

The claim that ideas matter, that is to say that they are irreducible causes of political action, has become increasingly commonplace in political science in the last two decades. There is, however, considerable disagreement about *how* ideas matter (Mehta 2010). Two distinct traditions of ideational scholarship may be identified. Instrumentalist approaches conceive of ideas as tools, strategically deployed by actors to achieve their (independently given) ends. Kingdon, for example, treats ideas as resources that are mobilised by policy entrepreneurs to advance their policy preferences (1984). Baumgartner and Jones argue that policymakers select components of issues to promote or prevent policy change (1994: 50-52), while Cox and Béland show how policy entrepreneurs manipulate the ‘valence’ of policy ideas (2013: 318). On these accounts, policy entrepreneurs consciously use issue definition, framing, valence and other rhetorical moves to mobilise support and activate new constellations of interests in order to promote their policy preferences.

By contrast, institutionalist accounts depict ideas as structural constraints on agents. Ideas are conceived as paradigms or frames, delimiting what is seen as feasible or legitimate (Hall 1993), and even constituting actors’ preferences (Hay 2010). Rather than tools or resources to be mobilised by actors, ideas are theorised as relatively fixed, taken-for-granted clusters of norms and beliefs that shape how actors construct problems and responses, and limit the range of ‘legitimate alternatives’ (Bosso 1994: 184). While this is an important corrective to the ideas-as-tools approach, institutionalist accounts risk falling into the trap of ideational determinism, with actors depicted as the dupes of ideas, able to break out of existing paradigms only at exceptional moments or windows of opportunity (Blyth 2002; for critiques see Campbell 2004, Lieberman 2002, Beland 2009).

A promising way of combining these insights is through ‘constructivist’ (Hay 2010) or ‘discursive’ (Schmidt 2008, 2011) institutionalism. On these accounts, actors are constrained by ‘background ideas’ (Schmidt 2016), but they also have ‘foreground discursive abilities’ that enable them to reflexively deliberate on and deploy ideas. Through deliberation, actors are able to ‘conceive of and talk about institutions as objects at a distance, and to dissociate themselves from them even as they continue to use them’ (Schmidt 2008: 316). Ideas

constrain but they are also open to reinterpretation and adjustment through discursive interaction.

### *Three discursive strategies*

In order to specify how political agents may effect such adjustments, we build upon Schmidt's distinction between three 'levels' of ideas and discourse: policy ideas, which include specific policy proposals or solutions; programmatic ideas, which define problems and contain underlying assumptions; and public philosophies, which are fundamental sets of ideas understood as worldviews or *Weltanschauung* (Schmidt 2008, 2015). We identify three ways in which actors can modify, re-interpret or challenge dominant beliefs about programmes or public philosophies, through selecting and combining different elements at the three levels.

First, political actors can privilege or foreground one level over another. For example, actors may try to present new policy or programme ideas on a primarily technical plane, disregarding underlying public philosophies. Indeed, such discursive strategies can seek to obscure potential inconsistencies with national paradigms or philosophies. For example, public-private partnerships in health provision in the UK were justified on pragmatic, technical grounds, obscuring a 'creeping' privatization that conflicted with broadly held public philosophies. Alternatively, agents may attempt to bypass discussion of the technical feasibility of programmes through directly invoking more emotive claims that resonate with public philosophies. Examples might be highly symbolic approaches to criminal justice that mobilise strongly held norms and downplay evidence about 'what works'. The success of such selections will partly depend on whether debate takes the form of 'coordinative' discourse in more technocratic policy-making venues, or 'communicative' discourse in the arena of party politics, oriented towards persuading the public (Schmidt 2002: Chapter 5).

Second, when appealing to existing programmatic or philosophical ideas, political actors are often highly selective. Public philosophies are generally complex composites of ideas and, being composed of multiple parts or traditions, can be selectively mobilised. An actor wishing to advocate policy change can appeal to elements of these composites that are consistent with her preferences, while downplaying or ignoring others. National traditions of immigration and 'philosophies of integration' (Favell 2001; Bleich 2003; Bertossi 2011) are especially susceptible to these kinds of manipulations. For example, the invocation of the

‘republican tradition’ in France has been an incredibly flexible resource for legitimising an array of policies and programmes (Hollifield 1994).

A third discursive strategy is to link policy ideas or programmes over time. Both proponents and opponents of policy change can appeal to collectively mediated understandings of the (often unintended) consequences of past programmes, or even seek to re-cast such ‘policy legacies’. Historical institutionalists have long argued for the path dependence of policies due to the feedback effects of established rules and regularities (Pierson 1993; Steinmo and Thelen 1992; Hansen 2000). However, we follow Schmidt (2011) in viewing policy legacies as themselves ideational constructs, which can be marshalled strategically to support or oppose change.

Thus while programmes and especially public philosophies impose constraints on what actors are able to say, there are ample opportunities for discursive innovation. Through strategic representation – emphasising some elements of available programmes and philosophies, downplaying others – apparently immutable ideas can be invoked to support (or oppose) new policies.

#### *Tracing the effects of discourse*

We want to show not only how actors can exercise agency through discursive representations, but also how their discursive strategies can produce more deep-seated and lasting change. In line with institutionalist theories, we have suggested that background ideas influence which policies are seen as feasible and appropriate. It follows that changes to these background ideas will have effects on policy-making, altering the structures that shape and delimit which options are mooted and adopted. But what are the mechanisms through which discursive selections bring about such shifts to background ideas?

In order to answer this question, we revisit the three strategies of selection outlined above. We understand these strategies as opening gambits: discursive selections that may be rejected, modified or sidelined by political opponents, thereby failing to effect any lasting change; or that trigger forms of deliberation which sooner or later generate adjustments to background ideas, thereby influencing which policies are seen as appropriate or feasible. Let us consider each of the strategies in turn.

The first strategy was to foreground one ideational level over others. We suggest that this strategy may win support in the short-term. For example, for policy actors engaged in

coordinative discourse, policy ideas framed in a technocratic programmatic discourse may be compelling even if they are inconsistent with public philosophies. However, over time, tensions or inconsistencies between the ideational levels may become exposed. Such tensions may be resolved in three possible ways. First, the initial strategy of foregrounding one level may be critiqued and discarded. Second, dissonance between the different levels may be successfully suppressed, with agents able to sustain this strategy despite the lack of consistency between levels. A third possibility is that the tension between levels prompts an adjustment of one of the levels to produce realignment, potentially resulting in an adjustment to background ideas.

The second strategy – the selective mobilisation of public philosophies – can also have different effects. In the short-run, policy entrepreneurs may be successful in mobilising support for their selections. However, as with foregrounding, entrepreneurs' selective presentation of multivalent background ideas is open to challenge, as opponents question the selections or mobilise alternative interpretations of public philosophies to block or undo policy change. In the longer-run, selective mobilisation may bring about adjustments to background ideas themselves. The selective deployment of public philosophies is likely to involve subtle reinterpretations of their components. For example, actors may elaborate underspecified aspects of particular values and beliefs; recast national narratives or 'stories of peoplehood' (Smith 2003); apply abstract values or beliefs to new circumstances; or make novel links between policy and programmatic ideas and particular strands of public philosophy. If these articulations are sufficiently robust to withstand political opposition, the background idea itself may (incrementally) shift. Even initially unsuccessful attempts at selective mobilisation may in the longer-run broach new possibilities for policy change by destabilising or rearranging background ideas.

The third strategy – that of invoking policy legacies – may at first glance appear the least promising in terms of effecting change. Indeed, citing past policy failures is typically a strategy deployed by those opposing reform. Yet exposing such legacies to public debate may disrupt settled interpretations, triggering reassessment of their relevance. The public articulation of such concerns may allow established notions about previous policies to be debunked. Thus while mobilising legacies will in many cases quash a policy idea, this strategy may also inadvertently create the conditions for reassessing elements of programmatic ideas or public philosophies associated with past experiences.

### *Methods and case selection*

In order to explore the dynamics and effects of discursive strategies, we compare political discourse on immigration policy in Germany and the UK in the 2000s. After decades of restricting immigration, in the early 2000s centre-left governments in both countries began to make the case for liberalising labour migration. Yet despite initial similarities in the discursive presentation of the proposals, the two governments diverged in the way they drew on programmatic ideas and public philosophies. In the UK, the Labour government successfully mobilised background ideas to justify its liberalisation of work migration, though it shifted back toward a more restrictive discourse in later years. In Germany, an initially similar strategy encountered strong opposition and the government was forced to modify its discourse. Over time, however, the ideas broached in the early 2000s stimulated a rethinking of public and programmatic ideas, enabling gradual policy change from 2007 onwards.

It is important to be clear about our strategy for selecting the two cases. We are not attempting to explain differential policy outcomes, or to gauge the explanatory power of ideas in accounting for immigration policy change. Rather, analysing two similar cases offers an excellent site for exploring our theoretical claims about the interplay of strategic discourse and background ideas. The two cases offer good examples of the three strategies of mobilisation we identified. And they offer an illustration of the effects of strategic discourse on background ideas, and, by extension, on policy change. Here the case comparison reveals an important variation, with the German case showing how strategic discourse can generate a profound shift in background ideas, and the UK case showing how initially successful strategic discourse may leave background ideas relatively unchanged. The comparison of two similar cases, in which many of the contextual factors were similar, helps expose these divergences all the more sharply. It also provides insight into the conditions under which such discursive strategies may bring about lasting change to background ideas.

The analysis focuses on the period 2000-2008. For the German case, we focus on two episodes of particularly intense debate over this period. The first of these was the discussion of proposed immigration reforms between February 2000 and March 2002, which culminated in the rejection of the government's draft legislation. The second was debates between April – June 2007, when the parliament was debating amendments to the Immigration Law. Analysis of these two periods allows us to chart the initial reception of the government's



strategic discourse, and also examine its longer-term influence on background ideas and policy change. In the UK, we give particular attention to three episodes. The first was 2001-2, when the Labour government began publicly to justify immigration policy liberalisation. The second covers debates in spring 2004, when EU nationals gained access to the UK labour market. And finally, we also focus on the shift in Labour discourse after 2005 in the face of growing public concern and political opposition to the level of immigration. The period allows us to capture both the initial discursive strategy of the government, and the challenging and ultimate rejection of this discourse from 2004.

Our analysis is based on four sources. First, we analysed parliamentary discourse, focusing on key debates on immigration policy in the Bundestag and the House of Commons. This included nine debates in the Bundestag, and five in the House of Commons. Secondly, we analysed political speeches by prominent members of each government that exemplified particular discursive strategies. For the German case, we focused on three speeches by Chancellor Schröder, and for the UK case on five speeches, one each by the Immigration Minister and Home Secretary, and three by the Prime Minister. Third, we analysed key documents on policy reform: bills and draft legislation, policy papers, and also party manifestos. And finally, we analysed press coverage of political debate in four daily newspapers in each country, to capture discursive interventions not covered in speeches or parliamentary debate. In the UK, the papers were the *Daily Mail*, *Daily Telegraph*, the *Guardian*, and the *Times*; in Germany, the *Bild-Zeitung*, *Frankfurter Allgemeine Zeitung*, *Frankfurter Rundschau*, and *Die Welt*.

## **The UK**

The UK began to receive large number of immigrants in the years following the Second World War, and for almost two decades British governments maintained an open door to immigration from the Commonwealth, largely due to a wish to maintain strong ties with Britain's former colonies. However, as social and domestic political tensions about 'coloured' immigration grew, and well before countries such as Germany closed their migrant labour recruitment programmes, the door was firmly shut. So much so, that by the 1990s the UK was perhaps the most restrictive of any West European country. The impetus to restrict immigration was linked to a more inclusionary approach to immigrant integration – the so-called limitation-integration equation – and indeed Britain was a pioneer in anti-

discrimination legislation, developing a distinct ‘philosophy of integration’ (Favell 2001) centred on a concept of ‘race relations’ and anti-discrimination policy from the 1960s onwards.

When the Labour government was elected in 1997 it therefore inherited a highly ambivalent set of background ideas on immigration: a policy framework and associated programmatic ideas that were simultaneously exclusionary (on immigrant entry) and inclusive (on integration); and at the level of public philosophy, a complex narrative about national identity with inclusionary dimensions, including narratives that portrayed Britain as an open and tolerant society with a long tradition of welcoming foreigners, as well as more exclusionary nationalistic tendencies, articulated by figures from Enoch Powell to Margaret Thatcher. Unlike Germany, the experience of post-war immigration was not seen as a clear policy failure, and by the 1990s immigrants and their descendants were both legally and culturally accepted as part of the British nation.

Labour’s attempt to legitimise its liberalisation of immigration policy through a new discursive strategy started around 2000, the same year as Schröder proposed the Green Card scheme in Germany. In its first three years in government (1997-1999), Labour had made piecemeal changes to economic immigration – for example, relaxing work permit criteria for skilled workers and expanding the Seasonal Agricultural Workers Scheme (SAWS) – but these were ad hoc administrative changes and were not publicly justified. From 2000 onwards, there were two distinct elements to Labour’s immigration policy: first, liberalisation of the immigration system for migrant workers from outside the EU; and second, the decision to allow new EU citizens from the A8 countries full access to the UK labour market from 2004.<sup>1</sup>

Labour sought to mobilise support for these changes through a discourse that linked new policy ideas such as the Points Based System (introduced in 2005) to the government’s wider programmatic agenda of ‘third way’ politics and modernisation (which drew upon background neoliberal ideas), as well as ideas about British nationhood. On the one hand, policy liberalisation was presented as an essential response to changes in the global economy, in particular to addressing skills shortages and maintaining advantage in the global competition for talent. Thus policy change was presented as a necessary adaptation to structural changes beyond the UK, and also as part of New Labour’s governing agenda. On

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<sup>1</sup> Only the UK, Ireland and Sweden opened their labour markets to A8 citizens in 2004. The other 13 pre-2004 member states all opted to impose transitional controls of up to seven years. The result was a large increase in central and eastern European migrants to the UK.

the other hand, liberalisation was regularly linked to a supposed British tradition of openness and toleration, which obscured or ignored more exclusionary elements of Britain's immigration history.

Both of these themes were present in the landmark speech given by the Immigration Minister, Barbara Roche, at the centre-left think-tank the Institute for Public Policy Research (IPPR) in September 2000. At the heart of the speech was an insistence that Britain was now operating in a competitive global market for skilled workers: 'We are in competition for the brightest and best talents. The market for skilled labour is a global market and not necessarily a buyers' market.' In an echo of New Labour's 'third way' agenda, Roche was explicit about the desire for a business-friendly policy: 'I am particularly keen to hear from members of the business community about how they think the Government can help to attract those with the skills and expertise they need.' But the novelty of the proposed liberalisation was hedged by the claim that 'Britain has always been a nation of migrants'. To the extent that Roche referred to policy legacies, it was to criticise past measures intended to *control* immigration as illegitimate, including restrictions on Commonwealth immigration in the 1960s and 70s, which she argued were motivated by racism. As Roche said in a subsequent interview with the *New Statesman*: 'We have a multiracial, multicultural society; we are a stronger country for it' (quoted in Ashley 2000).

Thus the speech promoted new immigration policy ideas by linking them to Labour's programmatic ideas about competitiveness and to a cosmopolitan national story. This was classic Third Way discourse: a depiction of economic liberalisation as part of a progressive, cosmopolitan vision, also portrayed as continuity with a (selective) reading of British national traditions. As the Labour MP John Cruddas, who later became highly critical of Labour's approach in these years, characterised matters, Labour's immigration policy was the product of its wider project of 'economic liberalisation ...[set] alongside its cosmopolitanism' (Cruddas, quoted in Consterdine 2014: 114).

The response of the Conservative opposition party was surprisingly muted. The Conservative Shadow Home Secretary, Ann Widdecome, limited her objections to a claim that while 'Britain wants the best skilled workforce in the world. Improving the skill of our own workforce is the best way of achieving this' (quoted in BBC News 2000). There was nothing in her response about the unintended consequences of immigration or problems of the pre-1970s open door, which had been used by Tory predecessors to oppose immigration.

Over the following two years, Labour created the Highly Skilled Migrant Programme (HSMP) and the Innovators Scheme to encourage skilled migrant workers to migrate to Britain, continued to expand the number of work permits issued, and increased the SAWS by 15,000 places between 2001 and 2003. The discourse used to justify these changes mobilised neoliberal economic ideas, which made it difficult for Thatcherite Conservatives to oppose, while simultaneously portraying Britain as an open, diverse society, in a bid to appeal to the left. Labour's 2001 election manifesto, *Ambitions for Britain*, included a section on 'our diverse nation' which claimed that 'as our economy changes and expands, so our rules on immigration need to reflect the need to meet skills shortages' (Labour Party 2001: 33-34). The 2002 White Paper, *Secure Borders, Safe Haven*, argued that the HSMP and Innovators Scheme would 'maximise the benefits to the UK of high human capital individuals, who have the qualifications and skills required by UK businesses to compete in the global marketplace' (Home Office 2002: 42), while describing Britain as a 'multi-ethnic nation' in which 'diversity is a source of pride [that] helps to explain our cultural vitality, the strength of our economy and our strong international links' (Ibid: 10). During the Second Reading of the 2002 Nationality, Immigration and Asylum Bill, the Home Secretary, David Blunkett, told Parliament of the need for 'measures to ensure that new forms of economic migration can meet the needs of the service economy and of those who have high skills' and 'to contribute their diversity and strengths to the well-being of our country'.<sup>2</sup> Throughout this period Labour's framing of immigration policy consistently appealed to neoliberal background ideas, conjoined with a language of multiculturalism and diversity.

The second major immigration decision of the New Labour years was the decision to admit citizens of the new member states that acceded to the EU on 1 May 2004 to the UK's labour market. Unlike liberalisation of policy towards non-EU workers, this decision was not widely trailed by public announcements. Rather, the government took the decision and only afterwards tried to persuade the public. Yet when it did so, a familiar mix of economic and cultural arguments, and claims about continuity with a British tradition of openness, were put forward.

In a statement to the House of Commons on 23 February 2004, the Home Secretary, David Blunkett, said the UK 'will benefit from the skills, flexibility and willingness to work of those new migrant workers, as we have in the past' and that 'we welcome people, as we have throughout the centuries, to come to our country to work, to contribute and to be part of our

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<sup>2</sup> Parliamentary Debates (Commons) 24 April 2002, col. 341

society.’<sup>3</sup> Two months later, on 27 April 2004, Tony Blair delivered a speech at the Confederation for British Industry (CBI). By now, growing public salience and increased negative coverage of immigration in the mass media was causing political concern. Blair placed considerable emphasis on Labour’s commitment to robust immigration controls, with a large section of the speech dedicated to asylum and illegal immigration. Notwithstanding this, the two themes of adapting to globalization and continuing Britain’s tradition of openness remained central to the discursive strategy. Blair argued that:

our strong and growing economy needs migration. ... Given the facts we faced a clear choice: use the opportunities of accession to help fill those gaps with legal migrants able to pay taxes and pay their way, or deny ourselves that chance, hold our economy back and in all likelihood see a significant increase in illegal working.

But Blair depicted this as a decision also in continuity with the past – ‘the economic contribution of visitors and migrants is nothing new’ – and gave a range of examples from Huguenot refugees’ founding the Bank of England in the seventeenth century, to the contributions of Poles and Italians in the war, and Commonwealth immigration after it. Immigration, in stark contrast to German national discourse, was presented as part of the British cultural fabric:

Ordinary decent British people – including generations of migrants themselves – keep faith in our traditions of tolerance and our historic record of becoming stronger and richer as a result of migration and diversity.

In making its case, Labour was helped by the fact that no discursive legacy of immigration policy failure existed in Britain; on the contrary, to the extent that Labour referred to policy legacies it was to discredit failed or illegitimate attempts to *control* rather than admit immigrants.

For the next couple of years, the Conservatives struggled to articulate an effective counter-discourse that did not appear economically regressive and anti-market on the one hand, or deny Labour’s positive story of British national history as one of inclusivity and diversity on the other. As the Conservative leadership became more vocal in opposing Labour’s immigration policy in 2004, rather than challenging Labour’s pro-market and cosmopolitan discourse, they instead focused their attack on two issues. The first was to raise concerns

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<sup>3</sup> Parliamentary Debates (Commons) 23 February 2004, cols. 23-25.

about the social impacts of immigration. In his response to Blunkett's speech, for example, the Shadow Home Secretary David Davis claimed that Labour's decision to admit EU migrant workers would put 'huge pressure on housing and our public services'.<sup>4</sup> The second line of attack was to question the government's competence. David Davis talked about the 'shambles we have seen surrounding this policy'<sup>5</sup>, and suggested that the public had 'zero confidence' in the Government's ability to tackle the issue. While the Conservative leader, Michael Howard, claimed the Prime Minister was acting out of 'blind panic' on immigration (Jones 2004: 1).

Labour succeeded in sustaining its discursive strategy for a period, but after 2004 its selective mobilisation of ideas shifted as economic and migration circumstances changed, and public opinion hardened. In particular, as the large scale of A8 migration became apparent – far exceeding the government's initial estimates – the Conservatives and the right-wing newspapers began to attack the government's record. Labour was forced onto the defensive, replacing its modernising, cosmopolitan discourse with an increasingly nationalist and control-oriented language.

This shift could be seen in the 2005 Labour manifesto, which rehearsed the familiar claims about skills shortages and cultural diversity, but added a restrictive dimension in a section on 'strong and secure borders' (Labour Party 2005: 51-53), and also in Blair's campaign speech on immigration in which a passage that described immigrants as 'part of the rich fabric of our nation, every bit as British and valued as any other member of our society', was surrounded by claims about how the government was 'tightening the system' and introducing new controls on immigration (Blair 2005).

From 2007, the new Prime Minister, Gordon Brown, made a number of speeches on immigration – far more than Blair had done – with an increasingly nationalist inflexion, including repeated references to British interests, British values, and, infamously in his 2007 conference speech, to 'British jobs for British workers'. Labour's nationalism was linked to complex debates about 'community cohesion' and citizenship, which had been given renewed impetus following the 2005 terrorist attacks in London, but Brown's 'British jobs' speech was principally intended to address public concern about economic migration, especially from the A8 countries. In a November Commons debate on immigration, in which Conservative MPs attacked the government's competence and repeatedly referred to the scale

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<sup>4</sup> Parliamentary Debates (Commons) 23 February 2004, cols. 25-27.

<sup>5</sup> Ibid.

of immigration since 2004, the Immigration Minister, Liam Byrne, dropped all references to labour shortages or Britain's tradition of toleration, and in his defence of government policy shifted from the language of migration management to 'migration control'.<sup>6</sup> The following year, Gordon Brown reasserted the importance of immigration to Britain's 'economic success' but called for 'a new approach ... founded on an affirmation of Britishness' and a 'framework of social responsibility that makes sure migration benefits us as much socially and culturally as it does economically' (Brown 2008).

Space precludes a detailed treatment of the ensuing years, suffice to say that by 2015 the Labour party was promising 'controls on immigration' as one of its six general election pledges, a commitment literally chiselled onto the public relations disaster that was the 'EdStone' – a 2.6 metre stone tablet unveiled by Labour leader Ed Miliband in a Hastings car park, just four days before voting began.

## **Germany**

Similarly to the UK, Germany received substantial levels of labour migration in the post-World War II decades. Immigration was regulated through a series of bilateral agreements with southern European and North African countries, whose nationals were recruited as 'guestworkers' to underpin economic growth. Between 1960 and 1973, the foreign population in Germany rose from 2 per cent to 11 per cent, and by the late 1960s the mass media were expressing growing concerns about the social and economic impacts of immigrants. In 1973 the government introduced a stop to recruitment, but immigration continued in the form of family reunion and asylum-seeking, as well through a number of administrative exceptions to the labour recruitment stop. Over the next decades, public debate on immigration crystallised around the perception that the guestworker programme had failed: rather than providing an efficient solution to labour shortages, it had inadvertently created large-scale, permanent settlement of large numbers of low-skilled workers. The prevailing view was that many of the new immigrants and their families were failing to integrate into German society, facing persistent problems in education and training and on the labour market, with negative consequences for the German economy and society.

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<sup>6</sup> Parliamentary Debates (Commons) 15 November 2007, cols. 835-859.

This programmatic scepticism about the negative impacts of labour migration also drew on a public philosophy that was profoundly ambivalent about the desirability of cultural diversity. German post-war immigration policy was influenced by a public philosophy that understood national membership in ethnic terms, implying a reluctance to grant non-German immigrants full rights or access to citizenship (Brubaker 1992). This culturally conservative approach has, however, stood in tension with other strands of public philosophy: an emphasis on equal rights, grounded in the post-war German constitution (Joppke 1999); and a commitment to a social market approach whereby the state had an important role in securing both economic growth and social integration (Boswell and Hough 2008). Debates around these themes surfaced prominently in 1999, when the new Social Democrat (SPD)/Green government attempted to liberalise Germany's dated citizenship laws. The conservative opposition – the Christian Democratic Union (CDU) and its Bavarian sister party the Christian Social Union (CSU) – launched a mass campaign against the introduction of dual citizenship. Its populist mobilisation against the law was widely considered to have been instrumental in the victory of the CDU in the 1999 Hesse elections (Green 2004).

Given the SPD-Green's bruising encounter with citizenship policy, it was all the more surprising that SPD Chancellor Schröder announced a new initiative to recruit foreign IT workers in early 2000, the so-called 'Green Card' scheme. The Green Card was a relatively modest scheme to ease restrictions on the recruitment of foreign IT workers, allowing for the admission of up to 20,000 workers per year, on strictly limited 5 year permits. Schröder clearly intended to foreground the programmatic level in his framing of the initiative. He announced the scheme at an IT trade fare in February 2000, and presented it to the Bundestag during a debate on the EU Lisbon Agenda for economic growth.<sup>7</sup> The Chancellor carefully presented the initiative as part of a wider strategy to support Germany's growing IT sector through skilling up German nationals. The Green Card was framed as a stop-gap measure, to fill acute shortages in the short-term, until training programmes had a chance to kick in. Schröder thus invoked a programmatic theory about labour shortages, and the necessity of training and recruiting workers to underpin economic growth.

At the same time, the Chancellor avoided linking this limited, technocratic initiative to questions of immigration or integration: his emphasis was on the short-term and interim nature of the recruitment. The repeated emphasis on attracting specialists and 'the best minds' suggests he was pre-emptively warding off suggestions that this had any resemblance to the

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<sup>7</sup> German Bundestag, 98<sup>th</sup> Session, 6 April 2000.



ill-fated guest worker programme. Instead, Schröder selectively invoked more palatable elements of German public philosophy, notably the idea that the state should play a more vigorous ‘enabling’ role in supporting economic growth.

However, unlike in the UK case, opposition parties swiftly rounded on the initiative. The CDU/CSU challenged the government’s framing of the initiative as a narrow, technocratic and short-term response. First, they questioned the government’s claim that Green Card holders would remain in Germany on a temporary basis. As CDU member Wolfgang Bosbach put it: ‘The experience of the past has taught us that ... a large number of labour migrants have just one aim at the end of their deadline: to be allowed permanent residence in the Federal Republic.... Does the government want these people and their families to integrate here?’<sup>8</sup> This was a clear attempt to invoke a negative policy legacy: that of the unintended consequences of the guest worker programme, and widespread concerns about the challenge of integrating immigrants into German society. This attack then evolved into a more general argument that the government was effectively lifting the 1973 recruitment stop, thus opening the gates to mass, uncontrolled immigration. CDU/CSU politicians portrayed the initiative as hasty, ill-conceived and irresponsible.

The government initially responded by re-emphasising the programmatic level. It tried to avoid engaging with CDU/CSU arguments about the unintended consequences of temporary labour migration schemes. Instead, it re-emphasising the programmatic level, downplaying any reference to wider public philosophies or to policy legacies. However, this narrower framing of policy became difficult to sustain. The CDU/CSU continued to invoke sensitive issues in Germany’s public philosophy, revolving around multiculturalism and Germany’s status as an immigration country. The CDU/CSU were able to portray the government’s focus on business and economic arguments as elitist and out of touch. As CSU politician Michael Glos wrote in the *Frankfurter Allgemeine Zeitung*, unlike the SPD, ‘The CSU isn’t protecting the interests of industry, but of the whole population’ (Glos, 2000). CDU politician Roland Koch spoke of ‘the people’ being ‘abandoned’ by the government (*Frankfurter Allgemeine Zeitung*, 2001).

By spring 2000, the government found itself caught in a pincer movement between the apocalyptic discourse of the CDU/CSU, and the more liberal parties who were calling for a radical overhaul of immigration policy. Both sides were demanding a more comprehensive

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<sup>8</sup> Bundestag, 93<sup>rd</sup> session, 16 March 2000

debate on immigration reform, albeit for quite different reasons. While the conservative opposition wanted to open up the debate for tactical reasons, the Greens and the FDP were seeking a whole-scale modernisation of immigration and asylum law. Unable to contain the issue in the way it had intended, the government established an independent Immigration Commission in summer 2000, in the hope that an ‘impartial’ and ‘non-political’ debate involving interest groups and experts would generate support for the government’s programmatic ideas (*Frankfurter Allgemeine Zeitung*, 2000). The Immigration Commission reported its findings in July 2001, and several of its key suggestions on labour migration were incorporated into draft legislation, including granting one-year work permits for foreign graduates, and establishing a points system for skilled migrants.

The new bill was tabled in parliament in September 2001. While the SPD tried to talk up the restrictive thrust of the bill the CDU/CSU parties argued that the law would usher in large-scale immigration. As Wolfgang Bosbach stated, ‘the fact is that this law has enormous meaning for the future of our country... This law, if it were to enter into force, would in reality strongly alter German society within a few years’. Again, the discursive strategy was to link the reform to previous, failed approaches. ‘Germany is not a classic immigration country, and based on its historical and social conditions, it cannot become one. ... Already at the beginning of the 1970s we realised that extensive immigration overtaxed not only the reception capacity of the labour market, but also the integration capacity of our country’.<sup>9</sup>

The SPD retaliated by portraying the opposition as blocking a broadly based social consensus. Schily repeatedly emphasised that there was broad support for the bill across different interest groups: industry, trade unions, NGOs and even the public.<sup>10</sup> While polls from the time suggest that the German public were less than enthusiastic about immigration, there was wide support from interest groups and even large parts of the media (Ette 2003). Yet the prospect for political agreement was fading, and Schily’s rhetoric became increasingly melodramatic, mirroring the apocalyptic arguments of his opponents: ‘We have a historic chance to introduce a sensible solution to a problem that has been building up for decades. We shouldn’t neglect this historical chance, because it won’t come again soon’.<sup>11</sup>

Paradoxically, then, the government’s rhetoric had come full circle: from issue limitation around technocratic policy theories, to a sweeping narrative about an historic chance for

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<sup>9</sup> Bundestag, 208<sup>th</sup> session, 13. December 2001.

<sup>10</sup> Erwiderung des Bundesinnenministers Otto Schily (SPD) im Bundesrat, 22 March 2002.

<sup>11</sup> Ibid.

major legislative reform. After a period of trying to contain discussion to the programmatic level, the SPD had been reluctantly pushed in this direction by opposition parties and elements of the media keen to expand the debate. Once these linkages had been made, the SPD was initially cautious in its discursive justification, insisting on the restrictive nature of its legislation, and criticising its opposition for being irresponsible. As the need for consensus became more pressing, the government adopted a more dramatic discourse, invoking the urgent need for a change of paradigm in German immigration policy. The bill was passed in the *Bundestag* in 2001, but then rejected by one vote in the upper chamber, the *Bundesrat*, in March 2002. After extensive negotiations, a substantially diluted law was passed in 2004, which now excluded the points based system.

Yet despite the government's initial failure to generate support for its discourse, the debate triggered by the SPD/Green government and the Immigration Commission had wide-reaching influence on political debate in the longer-term. First, while Schröder's programmatic ideas about the need to attract high skilled immigrants were initially contested by more conservative voices, these ideas gradually became normalised – even taken for granted – in public debate (Green 2004). This was clearly reflected in 2007, when the coalition CDU/SPD/CSU government led by Angela Merkel introduced a series of amendments to the 2004 Immigration Law, including a moderate loosening of conditions for recruiting high-skilled immigrants. Both SPD and CDU/CSU members largely accepted the economic case for the change. Thus, for example, Hans Peter Uhl, the CDU/CSU parliamentary spokesman on interior policy – a long-standing opponent of liberalisation – conceded: 'We must control immigration flows into our country and – what is much more important in an industrial and knowledge society facing ongoing skills shortages – make sure that high qualified people find their way to Germany'.<sup>12</sup> In a nod towards the need for further liberalisation, CDU Interior Minister Wolfgang Schäuble referred to negotiations with his SPD colleagues about a possible points system: they had agreed 'that in the course of this law-making procedure and if the need arises, which further steps we will take on the question of the regulation of legal migration. .... So we have said: we will talk further about this'.<sup>13</sup>

We can also observe a gradual shift in German public philosophy over this period. By Spring 2007, we find politicians across the spectrum keen to signal that they eschewed the now out-

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<sup>12</sup> 16. Wahlperiode – 103. Sitzung, 14 June 2007

<sup>13</sup> Ibid.

moded notion that Germany was *kein Einwanderungsland* (not a country of immigration). This emerges strongly in parliamentary debates between April – June 2007, notably in the context of discussions around integration policy. The new focus on integration implied an acceptance that immigration was there to stay, a structural feature of German society. As CDU Interior Minister Wolfgang Schäuble put it: ‘mobility and migration in this age of globalisation are phenomena that characterise societies worldwide.’<sup>14</sup> Hans-Peter Uhl (CDU/CSU) rejected the ‘fruitless conflict over the question: Is Germany a country of immigration or not?’ which had dominated public debate.<sup>15</sup> As Michael Bürsch (SPD) put it, ‘the decisive thing is that there will now be legislation that makes it clear: Germany is a country of immigration. For me, that is the great achievement of this law. Nobody can now go back on this. There will be no more electoral campaigns based on dual nationality or similar forms of anti-immigration sentiment’.<sup>16</sup>

The shift in programmatic ideas and public philosophy underpinned further changes in German policy, notably the further liberalisation of labour migration policy in July 2013, and the bold gesture by Merkel’s government to accept large numbers of refugees in Summer/Autumn 2015. We are not suggesting that these changes were exclusively engendered by the ideational shifts we have outlined. Economic conditions and party political dynamics certainly created pressures and conditions conducive to the changes. However, the discursive strategy initially adopted by the SPD/Green government about the need for labour migration set in motion a more profound debate, which generated a series of ideational shifts. These changes to programmatic ideas about labour shortages, and to public philosophies about German identity, enabled the main political parties – including the CDU/CSU opposition – to countenance and endorse a radically different approach to immigration policy. It was a shift that was widely seen as underpinning the CDU’s liberal response to the refugee crisis in Summer 2015.

## Discussion

Our analysis of the discursive strategies of politicians in Germany and the UK illustrates that while underlying philosophical and programmatic ideas may be resistant to manipulation by

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> 16. Wahlperiode – 94. Sitzung, 26 April 2007

individual actors, there is considerable scope for agents to selectively deploy different elements of these ideational constructs. Astute politicians can mobilise support through foregrounding particular ideational levels; they can selectively draw on favourable elements of background ideas such as public philosophies; and they can link ideas to policy legacies. Indeed, we can identify examples of each of the three types of strategy.

First, actors in both cases chose to justify their policy ideas by foregrounding different ideational levels. In Germany, the SPD emphasised the programmatic level, thereby attempting to bypass contentious questions of integration and identity and also the legacy of ‘failed’ guestworker recruitment – although this framing was challenged by the CDU/CSU, which drew on public philosophies precisely to oppose liberalisation. In the UK, Labour framed its immigration policy changes in terms of programmatic ideas about competitiveness and economic management, but also drew selectively on narratives of national identity. In this case, its foregrounding of programmatic and philosophical level ideas was uncontested by opposition parties, at least in the first years.

Second, politicians in both countries selectively mobilised elements of public philosophy to substantiate their proposals. Public philosophies are composites rather than units, and agents in both countries were able to mobilise them selectively for strategic purposes. Thus while it is tempting to contrast the UK and Germany in terms of different national stories about immigration, Labour’s narration of British nationhood in terms of openness, diversity and toleration offered a particular version of events, one that glossed over exclusionary and even racist elements of its national history. Indeed, as public anxieties about immigration grew, Labour’s rediscovery of a more control-oriented nationalist discourse illustrated how political actors adapt their mobilisation of public philosophies according to strategic exigencies.

Finally, our analysis shows that policy legacies, themselves ideational constructs, may indeed constrain change; but these legacies require actors to mobilise them, as in the case of the CDU/CSU, which invoked the failed guestworker programmes to oppose the SPD’s quite limited programme. In the UK, there was no obvious ‘legacy’ to draw on in the early 2000s, given that the UK had never pursued an explicitly labour market driven immigration policy. In short, while actors were constrained by policy programmes and public philosophies in the way that institutionalist theories would suggest, they were certainly able to exercise agency in the selective deployment of these ideas.

Our cases also illustrate the (sometimes unintended) effects of strategic discourse on programmatic and philosophical ideas. Such discursive representations can lead to changes in the ideational repertoires on which they draw, in turn shaping which policies are considered appropriate and feasible. In Germany, despite its lukewarm reception in 2001, the Immigration Commission triggered a debate that ushered in an important programmatic shift regarding the economic benefits of labour migration. It also had important ramifications for Germany's self-perception as a country of immigration. Debate about policy legacies played an important role here. We suggested that while negative policy legacies initially prompted a guarded reaction to reform, the frank and wide-ranging discussion on immigration provided the opportunity for some of these ideas to be scrutinised and discarded, which contributed a rethinking of notions of national identity (Jürgens 2010). The shift was already evident in policy debates in 2007, and underpinned the incremental liberalisation of German immigration policy in the following years.

The UK has moved in the opposite direction. Precisely because Labour did not have to confront a negative policy legacy or grapple with anything comparable to Germany's self-conception as *kein Einwanderungsland*, its strategic discourse did not have similarly transformative effects. Labour was able to mine a relatively conducive public philosophy, but as this required no paradigmatic shift, it was then relatively easy for opponents and indeed Labour itself to resuscitate a more restrictive discourse. Thus, as Germany has moved towards a more open stance, since 2005 the British immigration debate has become increasingly restrictive, with the United Kingdom Independence Party (UKIP) articulating an anti-immigrant discourse, the Conservatives committing to reducing net migration (Hampshire and Bale 2015), and most recently, immigration dominating the EU referendum campaign, contributing to the vote to leave vote in June 2016. While some elements of Labour's reframing of migration policy at the programmatic level remain intact – for example, the idea of selective recruitment of migrant workers through the Points Based System – references to cosmopolitan ideas or a national philosophy of openness are rarely heard today.

These constantly shifting positions show the importance of tracing the dynamic evolution of political debate: how arguments and counter-claims encourage refinement or recalibration of discursive strategies. Ideas are not static, but are constantly re-presented by proponents and opponents of change. Moreover, such re-presentations can have important, and often unanticipated, effects on the background ideas shaping policy-making. This implies that

rather than viewing ideas as either structural constraints or resources, we need to focus on understanding the complex interplay of structure and agency in political discourse.

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